



Paper No. 3

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**OFFICE OF PETITIONS
A/C PATENTS**

In re the patent application of:
Kovalik, D. K., et al.
Application No.: 09/684,016
Filed: October 10, 2000
For: Annotated Plant Genes

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: ON PETITION
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This is a decision on the petition under 37 C.F.R. § 1.183, filed October 10, 2000 to waive the requirement of 37 C.F.R. § 1.821(c), for a paper copy of the sequences and accept a copy of the sequences provided on a compact disc.

The petition under 37 C.F.R. § 1.183 to waive the rules in the above noted application is **GRANTED**.

Applicant is given **TWO MONTHS** from the mailing date of this notice to submit the missing parts noted below. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

37 CFR 1.52 was amended, effective November 7, 2000, to allow the submission of certain information on compact discs in lieu of paper. Any electronic documents submitted in response to this petition decision must comply with 37 CFR 1.52(e) and 37 CFR 1.821 *et seq.* See Changes to Implement Patent Business Goals, 65 Fed. Reg. 54603, 54665 and 54681 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 130, 131, 145 and 146 (September 19, 2000).

The compact disc filed on October 10, 2000 is understood to be part of the specification of the applications as now permitted by 37 CFR 1.52. Applicant has not complied with 37 CFR § 1.52(e) and 37 C.F.R. § 1.821(c) because the two compact discs required by 37 CFR § 1.52(e) and the Computer Readable form required by 37 CFR § 1.821(f) have not been filed.

Applicant is required to file a compact disc labeled "copy 2" which is identical to the originally filed compact disc, and another disc containing the sequences in computer readable form labeled "CRF". Applicant is also required to file a statement that the disc filed October 10, 2000 is the same as copy 2 and the sequences filed on the CRF are all the same. An amendment to the specification incorporating by reference the material on the compact discs and the files contained on the compact discs is also required. See 37 C.F.R. §§ 1.52(e)(5), 1.77(b)(4) and 1.823(a)(2).

Finally, it is noted that about 58,000 paper pages of the application appear to be a table or tables. The amended rules in 37 C.F.R. §§ 1.52(e) and 1.58 permit filing of tables over 50 pages on compact disc. Providing an amendment with the table(s) on compact disc as permitted in the amended rule would greatly facilitate handling and examination of the application but is not required by the amended rules or this petition decision.

After this decision is mailed, the application will be returned to the Office of Initial Patent Examination for mailing a Notice to File Missing Parts, to require the declaration and the filing fees due.

Any response to this decision should be mailed to:

Box MISSING PARTS
Commissioner for Patents
Washington D.C. 20231

Telephone inquiries regarding this decision should be directed to Michael Lewis at (703) 306-5585.

A handwritten signature in black ink, appearing to read 'Karin' followed by a stylized circular flourish.

Karin Tyson
Senior Legal Advisor
Office Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy